

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF ABLE REAL ESTATE INVESTMENTS, INC. V. CITY OF ATLANTA, STATE COURT OF FULTON COUNTY, GEORGIA, CIVIL ACTION FILE NO. 2005CV10175 IN THE AMOUNT OF \$175,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 2J01 (WATER AND SEWER FUND) ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER Q30001 (DEPUTY DIRECTOR WASTEWATER TREATMENT AND COLLECTIONS); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, *ABLE REAL ESTATE INVESTMENTS, INC. V. CITY OF ATLANTA*, is a case in which the Plaintiff alleged that the City did not properly maintain the sewer and drainage system adjacent to its property causing a massive overflow and

WHEREAS, the City filed an Answer to Plaintiff's Complaint denying liability; and

WHEREAS, the Plaintiff has agreed to \$175,000.00 as full settlement of all claims against the City of Atlanta, inclusive of attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount; and

WHEREAS, the settlement of the case of *ABLE REAL ESTATE INVESTMENTS, INC. V. CITY OF ATLANTA* shall not be deemed to be an admission of liability or wrongdoing on the part of the City or any other current or former employee or agent of the City; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$175,000.00 to settle the above-described claims.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of *ABLE REAL ESTATE INVESTMENTS, INC. V. CITY OF ATLANTA* in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) and to execute all documents on behalf of the City of Atlanta.

SECTION 2. Said payment is to be charged to and paid from Fund 2J01 (Water and Sewer Fund), Account 529017 (Property Liquidation) and Center Number Q30001 (Deputy Director Wastewater Treatment and Collections). Payment shall be in the form of a check in the amount of \$175,000.00, payable to Attorney Leon Van Gelderen and Able Real Estate Investments, Inc. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.